



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance – Article III.B (4)

William R. Halliday and Karen Palma-Halliday/Map 147, Lot 29

April 21, 2016

**Applicant: William R. Halliday & Karen Palma-Halliday
180 Wentworth Shores Road
Moultonborough, NH 03254**

Location: 180 Wentworth Shores Road, Moultonborough, NH (Tax Map 147, Lot 29)

On April 20, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of William R. Halliday and Karen Palma-Halliday (hereinafter referred to as the “Applicant” and/or “Owner”) to obtain a Variance from MZO Article III. B (4), to allow for the placement of a storage shed (up to 16’ x 20’) located 40 feet from the reference line where 50-ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

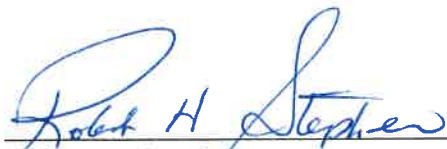
- 1) The property is located at 180 Wentworth Shores Road (Tax Map 147, Lot 29).
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 4) William Halliday presented the application to the Board.
- 5) The proposal is for the placement of a storage shed (up to 16’ x 20’) located 40 feet from the reference line.
- 6) No members of the public wished to speak during the Public Hearing.

- 7) Granting the Variance would not be contrary to the public interest as there will be no removal of vegetation, no foundation or disturbance of the ground, and the proposed location does not alter the essential character of the neighborhood.
- 8) Granting the Variance would be consistent with the spirit of the Ordinance because the proposed shed does not alter the essential character of the neighborhood.
- 9) By granting the Variance, substantial justice would be done because the harm to the applicant would be great, while the gain to the public would be none because the applicant cannot reasonably locate a shed in any conforming location given the constraints of the property, and allowing it does not affect the public in any way.
- 10) Granting the Variance would not diminish the value of surrounding properties as the shed would be new and best management practices will be employed to protect the lake.
- 11) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot has special circumstances in which two setback requirements overlap resulting in only two tiny building envelope areas because of the width and shape of the lot in relation to the waterfront and the front setback from the road.

On April 20, 2016, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Bickford, St. Peter, Hopkins), and none (0) opposed to grant the request for a variance with the following conditions: 1) That all best management practices be employed, such as drip edge filter strips or rain gutters that drain into a rain barrel; 2) No removal of trees for the placement of the shed, and further, to close the Public Hearing.

The Board of Adjustment, on May 4, 2016, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of (5) in favor (Stephens, Nolin, Bickford, DeMeo, Jenny), none (0) opposed.

The decision made to Approve the variance on April 20, 2016 shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 5-6-16